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Appendix VI.

[Vide item III at page 621 supra.]

REPORT OF THE COMMITTEE APPOINTED BY THE MADRAS LEGISLATIVE COUNCIL TO CO-OPERATE WITH THE INDIAN STATUTORY COMMISSION.

1. Introduction.

This Committee has been elected by the Madras Legislative Council in accordance with the following resolution passed by the Council on the 4th September 1928:—

"That for the purpose of jointly conferring with the Indian Statutory Commission on the terms stated in the letters of the Chairman of the Commission to His Excellency the Viceroy, dated the 6th February 1928 and the 28th March 1928, and in the further announcement published by the Government of India on the 23rd June 1928, this Council do proceed to elect seven representatives in accordance with the regulations made by the hon. the President under Standing Order No. 77 for the holding of elections by means of the single transferable vote;

"Provided (*a*) that the representatives so selected should be allowed absolutely the same status and powers as regards the examination of witnesses and access to confidential papers and documents, and (*b*) that they should submit their report to the Legislative Council for an expression of its opinion before the same is submitted to the Commission with a copy of the proceedings of the Council in connexion therewith."

The members of the Committee are—

Rao Bahadur Sir A. P. Patro, *Kt.*
Diwan Bahadur S. Kumaraswami Reddiyar.
The Kumararaja of Venkatagiri.
Khan Bahadur P. Khalif-ul-lah Sahib Bahadur.
Mr. Daniel Thomas.
Mr. P. Siva Rao.
Mr. N. Siva Raj.

The Committee elected Sir A. P. Patro as Chairman. The Committee has held 25 meetings to discuss procedure and to study and form conclusions from 195 memoranda sent from this Presidency as well as 24 memoranda received from the Government of India, 4 from the India Office, 10 of All-India interest from associations and individuals and 4 from Provincial Governments in the rest of India. It has also studied the evidence recorded before the Commission and its Committees in the other provinces. It sat with the Statutory Commission and the Indian Central Committee in February 1929 at Madras when twelve associations and fourteen individuals from this Presidency were examined as witnesses. At the end of March, it had the benefit of meeting the other Provincial Committees at Delhi and having an informal discussion with them on matters of common interest. There was also a final conference with the Indian Statutory Commission and the Indian Central Committee from the 2nd to the 4th of April.

It is a matter of regret that certain sections of political opinion in the country have not seen their way to give evidence before the Commission. Their evidence also would have been helpful. The Committee, however, trusts that these sections will avail themselves of further opportunities of placing their views before the Joint Parliamentary Committee which will consider the proposals for Indian constitutional reforms.

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The Committee came to its final conclusions by the 1st of June and submits the following report to the Indian Statutory Commission through the Madras Legislative Council.

GENERAL SURVEY.

2. Need for Political Change.

It appears to the Committee that there has been a fundamental defect in the manner in which the question of future constitutional reforms has been generally approached during the enquiry before the Indian Statutory Commission. The memoranda that have been furnished, whether by Governments or by non-officials, have mainly dealt with the working of dyarchy during the last nine years and based proposals thereon. Dyarchy itself was introduced as the result of conditions found and described in 1918 by Mr. Montagu and Lord Chelmsford in their report on Indian Constitutional Reforms. The motive force for political progress now is derived not primarily from the manner in which dyarchy has worked, but from the conditions which compelled the introduction of dyarchy itself. Dyarchy was a method of advance introduced in 1920 by the decision of the Parliament of Great Britain. In spite of its obvious defects, some political parties in India have accepted it as workable and have worked it. Others have been of opinion that it cannot satisfy the political aspirations of India and have declined to work it. But whatever be the attitude towards dyarchy, what is now needed for the purpose of determining future political advance is a re-investigation of the forces which demanded political progress in 1918. If these forces are to-day as insistent for political progress as they were in 1918, it is a matter of little importance whether dyarchy has been successful or not.

The main issues in the political field to-day are whether there is a need for political advance and, if so, what is the extent to which it is desirable to go. When these issues are answered, the methods for carrying out changes have to be considered. We ignore here the possibility of political retrogression as it is not practical politics.

First let us summarize the reasons for which Montagu and Chelmsford considered political advance on a large scale necessary in 1918 :

(1) *Political dissatisfaction.*

People objected to executive measures of Government as repressive ; they demanded liberal institutions of Government ; they demanded an improved status in the Empire. (Montford Report, pages 7 to 10.)

(2) *Social stagnation.*

The people's zeal for social reform was not satisfied by the Government (Montford Report, page 9). England through excess of caution proper to its regimé may be actually perpetuating and stereotyping customs which the better mind of India may deem necessary to modify. A Government in which Indians themselves participate, invigorated by a closer touch with a more enlightened popular opinion, may be able to effect what under the present system has to be rigorously eschewed. (Montford Report, pages 97–98.)

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(3) *Administrative weakness.*

The Parliament, though competent to do so, does not make a custom of interfering with the administration of India (Montford Report, page 20). The official system in India, while it has its strength, has also its weakness. Montagu and Chelmsford speak of it thus: "Its weaknesses are, we conceive, equally apparent. It is humanly impossible for the district officer to control the whole business of Government and to look after his army of subordinates as closely as is required. His utmost vigilance and energy do not suffice to prevent petty corruption and oppression from disfiguring official business. The people are slow to complain and prefer to suffer rather than to have the trouble of resisting. The mischief is being slowly remedied with the improvement of the subordinate services. It could be remedied further at great expense by decreasing district areas and increasing the supervising staff. But there can be no general improvement except through the awakening of public opinion which we believe that our reforms will stimulate. Strong as it is, the official system is too weak to perfect the enormous task before it without the co-operation of the people." (Montford Report, page 81.)

(4) *Lack of moral and material progress.*

Efficiency of administration may be too dearly bought at the price of moral inanition (Montford Report, page 100). Education is backward and to a large degree lifeless, but popular government in India as elsewhere is sure to promote the progressive spread of effective education and so a widening circle of improvement will be set up (Montford Report, pages 98 and 119).

(5) *Moral forces.*

The Great War has given India a new self-esteem. India has taken up the demand for self-determination emphasized during the war (Montford Report, pages 13–14). British policy in India has been steadily directed to a point at which the question of a self-governing India was bound to arise. The sheltered existence which England has given India cannot be prolonged without damage to her national life. There is a spirit of liberty that is stirring in Asia and India cannot be left behind (Montford Report, page 93).

This is a fair analysis. The Committee would, however, like to present the picture as regards the lack of moral and material progress a little more fully.

Montagu and Chelmsford have summed up the achievement of district administration as that of giving the country people "peace and justice and making their life easier." The Committee gratefully recognize the magnificent work done by England in establishing peace and order in a country torn by internecine strife. We recognize the high standards of character and justice which Englishmen have so well maintained in India. All this is to the lasting credit of England. But where England has failed is in providing for the growth of India. The activities of a few Englishmen are not adequate to permeate the large area and the large population of this country. Their administration is necessarily very centralized. We are quite aware that they have sought to "promote the material prosperity of the country by the construction of great works of irrigation, by the improvement of the means of communication and transport, by the opening up of the markets of

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the world to the produce of India and by the extension of facilities for trade and commerce." But 90 per cent of the people of India live in villages and the villager is very poor. He is ignorant. He lives in insanitary surroundings. The benefits of European knowledge have hardly reached him. A day's work can alone give him his food for the next day. Famine finds him with no resisting power. It is true to say that after the British Empire has lasted in India for 170 years—a period as long as that of the Moghal Empire from Babar to Aurangzeb—British administration has not yet vivified the village. Peace is good, but when for the large mass of the people it is not coupled with economic progress, it is but barren.

We are grateful again to England for the political unity which she has created in India. India has long sought and fairly established a cultural unity. But it is to the credit of England that for the first time in the history of India, India has become a political unit. This has, however, enhanced the international status of Britain, but hardly that of India. In spite of India being a member of the League of Nations, her representatives in the Councils of the League voice the opinions not of the people of India, but of the people of Britain. The status of Indians abroad is hardly as good as that of the nationals of less important Asiatic countries. Again, England has introduced Indians to the glorious ideals of liberty and self-government that are enshrined in English history, but she has not yet fully succeeded in enabling Indians to realize them; and, in the absence of such a realization, the selfless patriotism of villagers and of educated townsmen without which, in the opinion of the Royal Commission on Agriculture, "hope of radically improving the amenities of the village must be abandoned" will not be available.

England has kept an impartial field for all religions and castes and communities in India. But the world is rapidly developing in ideals and ways of life. India's social system developed in a unique manner when she was more or less isolated from the rest of the world. But with the development of communications by sea, her geographical isolation is rapidly ceasing to be. It will no longer do for India to hug her own social system and not bring it into harmony with that of other nations. It is Indians that can have the vision, the courage and the sureness of grip necessary to reshape Indian society.

These causes, which in 1918 necessitated a large political change, have now become intensified in strength. Moreover, the progress made in the last ten years under Indian direction in education, local self-government and in general enterprise amply justifies further political advance. It is unnecessary to refer in detail to new national forces which have arisen in these ten years. If large political progress was necessary in 1918, it is even more so in 1929.

In order that there may be national progress, the people of India must be entrusted with the power to govern themselves. It may be asked who are the people of India referred to. They are the conscious part of India—a part that is steadily growing. It is not in accordance with the teaching of history that England should wait to transfer political power till the whole body of the Indian people is conscious. The same force by which the conscious part of India seeks and hopes to gain political power will also spread that power to the rest of India.

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The claim for Dominion status for India is based on justice as well as on the national demand. The strength of England's rule in India has been based not so much on her physical power as on her moral qualities. We believe that in the long run moral strength is more powerful than physical strength and that it is in the interests of England herself to satisfy the just aspirations of India.

The claim of the people of India to self-government has indeed been conceded by His Majesty's Government in the announcement made in the House of Commons by the Secretary of State for India on the 20th August 1917.

3. Working of Diarchy in Madras.

Diarchy was proposed by Montagu and Chelmsford partly as a training ground for political responsibility and partly as a test of political fitness. That the system was a hybrid and therefore clumsy and illogical was admitted. But such defects were considered not to be insuperable obstacles to trying a transitional system. The difficulties of the system were held to be compensated for by the minimizing of risks in the new experiment.

There are certain conditions necessary if diarchy is to work successfully. The Ministry has to be supported by a majority in the Council. There should be unity among the Ministers. There should be co-operation between the Ministry and the Executive Council. The powers of the Governor have to be exercised with tact and foresight. There should be a constitutional opposition ready to take up office if the Ministry fails.

In Madras, these conditions have been fairly satisfied. There has been considerable co-operation of the Reserved and Transferred halves of the Government and the inherent difficulties of diarchy were minimized by the tact and good sense of the Executive Councillors and Ministers under the guidance of the Governor. But the strain on co-operation under such difficult conditions and depending unduly on the personnel of the Government has been such that nobody from either half of the Government is in favour of continuing the system any longer. Diarchy intended to be transitional and experimental has served its purpose in the Provincial Government and should now be replaced by a unitary form of Government.

It is impossible to revert to the pre-Reforms type of Government. As already pointed out, it was the need for changing such a form of Government that led to the introduction of diarchy. If dyarchy is to go, the only alternative is full responsible government in the province. There is a strong volume of opinion in this Presidency, supported, we are glad to note, by the Madras Government, that all provincial subjects now reserved should be transferred. The only subject about the transfer of which there has been any appreciable difference of opinion in the country is that of Law and Order. In this Presidency there has never been an occasion when the Legislative Council did not give adequate support to the Executive Councillor in charge of Law and Order. The subject has been in charge of an Indian Councillor all through the period of the Reforms and it has nowhere been asserted that it has suffered from being so. In regard to the passing of Bills, in regard to the resolutions moved in the Council, in regard to adjournment motions, in regard to cut motions and in regard also to occasions when Law and Order were seriously threatened—e.g., the Mappilla rebellion and the Guntur civil disobedience campaign—the Council has not on a single occasion given room

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for the Government complaining as to lack of full support. The Madras Government have stated in their memorandum to the Commission that the Legislative Council "has rendered full assistance to the Executive in all measures intended to preserve the peace and order of the country." There can be no ground whatever for the apprehension that the Council will be any the less vigilant for the maintenance of law and order when the subject is in charge of a responsible Minister.

In regard to the work done by the Ministers in charge of transferred subjects, Madras has a good record if allowance is made for the short time they have been in charge and the financial difficulties they had to face soon after the war. There has been considerable progress in the working of Local Self-Government. District and taluk board sand municipal councils have been almost completely democratized and deofficialized. There has been a considerable growth of village panchayats elected under adult franchise. All these bodies have been given increased powers of taxation and expenditure. Local bodies have not been slow in tapping new sources of revenue and their revenues have generally kept pace with growing expenditure. The percentage of voters who have participated in elections has steadily risen. There has been steady progress in the domains of education, public health, sanitation and medical relief. Communications—particularly rural communications—have been extended. Fresh schemes of water-supply have been introduced. Free and compulsory education has been introduced in several areas. Adult schools and circulating libraries have largely increased. Special encouragement has been given to the depressed classes in regard to education, housing schemes and water-supply. As has been stated by an experienced Indian official, Diwan Bahadur T. Raghaviah, C.S.I., "If occasionally there is some inefficiency or financial dislocation, it is due to want of executive experience on the part of non-official presidents not armed with prestige and backed by a hierarchy of official subordinates and to the incomplete adjustment of the proper relationship that ought to exist between the executive staff of these local bodies and their non-official presidents. Inefficiency and slackness are also partly due to want of sufficient governmental supervision, scrutiny and advice. These defects are, however, non-essential and temporary and do not affect the soundness of the main structure. They are sure to be cured by time."

A survey of elementary education was undertaken. The areas which had no school were marked, efforts were directed to opening schools in them and with the means available, satisfactory progress was made. Secondary schools have been encouraged to introduce manual training. University education has been reorganized. It may be claimed on the whole that there has been steady advance in education in this Presidency.

Speaking in the House of Lords in July 1925, Lord Birkenhead as Secretary of State for India said thus: "In Madras the transitional constitution has worked with a great measure of success. Ministers have used their influence to steady public opinion and feeling and have displayed a general moderation and no small measure of statesmanship." We therefore feel justified in stating that this Province has worked diarchy as successfully as a transitional system of the kind can be worked and that satisfactory political capacity and organizing ability have been shown by the Ministers in charge of transferred subjects. Progress in the interest taken by voters

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in elections, in the political education of voters by their representatives and in the development of the party system in the Council and in the country has been encouragingly steady.

4. Working of the Central Government.

In the Central Government, there is at present a total absence of responsibility of the Executive to the Legislature. The Legislature has power to criticize the Government, but without real responsibility to get things done. The powers of certification of Bills possessed by the Governor-General are real and have been exercised on important occasions of a difference of opinion between himself and the Legislative Assembly. The distinction between votable and non-votable items of expenditure introduces a kind of diarchy, apart from the powers of certification in regard to votable demands. Fortified, as it is, by its real irresponsibility in regard to voted expenditure, the Assembly in discussing the budget and voting on demands is swayed by a feeling of irritation at being unable to control such large items of expenditure as that on defence. The relations of the Executive and the Legislature in the Central Government are such that none who desires constitutional progress can desire for their continuance.

The Government of India have large powers of superintendence, direction and control over the reserved subjects in provinces. When these subjects are transferred, such powers of control will partly be abolished, but will partly be converted into the emergency powers of the Provincial Governor which will naturally be subject to the control of the Government of India. The question whether the Central Government should continue irresponsible as now or should become responsible to the Legislature is relevant in regard to the extent to which responsible Ministers in the provinces would be willing to accept direction from the Central Government. To develop diarchy into provincial autonomy to be placed under the control of an irresponsible Central Government is to rear a child into a man but without a man's freedom.

If the Central Government be responsible to the Legislature, the orientation of administration in India is likely to be different from what it is. Decentralization—the transference of authority from the Central Government to other parts of the Government—is mainly demanded because it means the transfer of power from a part of Government which is responsible only to the Secretary of State to parts that are responsible to the people. The undue postponement of the introduction of responsibility in the Central Government may thus give an unhealthy permanent twist to the administrative organism. India would be willing to have a Central Government strong enough to maintain her as a nation, but this willingness is diminished if the Central Government is irresponsible. It is undesirable, therefore, to consider only the reform of Provincial Governments and leave alone that of the Central Government.

Again, responsible Government in the Province, i.e., in provincial subjects and irresponsible Government at the centre, i.e., in central subjects, together constitute a bigger form of diarchy than the provincial diarchy which is so universally condemned. Progress can be only towards an increase of responsibility in the governmental scheme of the country and not a decrease thereof. Measures that tend to increase responsibility, whether in the province or at the centre, tend to decrease the operation of diarchy on the whole and are therefore desirable.

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It has to be noted that the division of provincial and central subjects does not depend on a central subject being any the less vital for the well-being of the people of the province than a provincial subject. It depends purely on administrative convenience, i.e., on whether a subject can best be administered by the Government of a province or by the Central Government on a uniform plan for the whole country. If the principle of a democratic government is to be introduced, it is as necessary to introduce it in regard to central subjects as in regard to provincial subjects.

5. Working of diarchy in other Provinces.

We have generally followed the political progress of other provinces. It is generally admitted that dyarchy has been worked successfully in a majority of the provinces. The particular success of Madras and the Punjab is mainly due to the fact that the Non-Brahman Party in Madras and the Moslems in the Punjab were willing to work diarchy. The difference between these two provinces and the rest of India is based not on a difference in political ability, but on a difference in the willingness to work the particular method of diarchy. These two provinces show that the existence of communal differences are not a bar to political progress in a province. We assert that Madras is to be taken not as an exception, but as a specimen of what any province in India can do if it had an agreed constitution to work. The success of diarchy in Madras and elesewhere is evidence of the general fitness of the country to work a political constitution which receives the general acceptance of the people.

6. Place of India in the Empire.

The Secretary of State, whether by himself or in Council, has control of the expenditure of the revenues of British India and has general powers of superintendence, direction and control. He controls the services in India. The budget proposals of the Government of India and particularly those affecting taxation must receive his previous approval before introduction in the Legislature. He controls the policy in regard to exchange and currency, the Gold Standard and Paper Currency reserves and all borrowing operations in London. All questions of general Railway policy are under his superintendence. His control over foreign and military affairs is supreme.

India, though an original member of the League of Nations, is still a dependency under the full control of the Secretary of State for India who is the spokesman of the British Parliament. Doubts have been raised in certain quarters whether the policy of His Majesty's Government announced in August 1917 amounts to a declaration that the status of a dominion in the British Commonwealth is to be India's accepted goal. There is no justification for such doubts because the introduction of democracy necessarily involves the lessening of other than popular control. If India is to have full responsible government, control by the Secretary of State should be minimized in the same manner as in the case of the Dominions.

7. Political changes needed.

After a careful consideration of all the facts before us, we recommend the following steps to be taken immediately :—

(1) The grant of provincial autonomy or full responsible government.

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(2) The establishment of responsible government in all the civil departments of the Government of India, that is, in all departments except those dealing with Defence, Foreign relations and relations with Indian States.

(3) A declaration by the British Government that full Dominion status in the British Commonwealth of Nations is accepted as the goal of India to be achieved in a reasonably definite period and that the automatic achievement of such status in such time will be brought about by the provision of adequate means for the Indianization of the army and other forces of defence.

There has been a certain amount of doubt expressed as to what "provincial autonomy" means. As has been pointed out by Sir P. S. Sivaswami Ayyar in his "Indian Constitutional Problems," it means the self-government of the people in the province and therefore implies responsible government. It also means freedom from external control, but this within defined limits, for a Provincial Government is necessarily correlated with a Central Government and the relation between the two should imply a measure of authority on the part of the latter over the former. What is now demanded is that responsibility should not be limited to a part of the provincial sphere of government, but should be extended to that sphere in full and that the limits within which the Provincial Government is independent of the Central Government should be definitely laid down. The present division of provincial and central subjects is reasonable and should continue.

In regard to the Central Government we believe that the control of the civil departments by a popularly elected legislature to whom the executive should be responsible is essential if India is to make economic progress. Control over Customs, Railways, Shipping, Banking and Currency and Exchange, if it continues in the hands of an irresponsible Central Government, however justly they may act, will breed irritation and suspicion on the part of the people. These economic departments of the Central Government are of vital importance to the people of India in all the provinces. The appalling poverty of the people, the large amount of unemployment among the educated classes and the comparatively small return India gets from her enormous natural resources, all demand that control over the economic life of India should be transferred to the people of India. In these departments no religious or caste differences can have any effect. Whatever may be the form of administrative or constitutional changes in the country, there can be no substantial progress unless the changes tend to advance the economic welfare of the people which is the primary concern of government. Indeed, if self-government in India is to be real, it should begin with the work of economic reconstruction. Autonomy only in the subjects that are now classed as provincial will be like the husk without the grain which control over economic life can alone provide. Even if it happens that in some of the provinces the subject of Law and Order continues to be reserved, all other subjects being transferred, this will not interfere with our proposal for the immediate transfer of the "civil" departments of the Government of India as the central subject of Defence which is connected with the provincial subject of Law and Order will, under our proposals, be administered for a time under the present arrangements.

It is alleged that India cannot defend herself and therefore cannot be entitled to Dominion Status. The fact is that India is defended largely by

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Indian soldiers and entirely out of Indian money. It is in spite of the repeated demands of Indians and in order to meet the needs of British Imperial strategy that the army is officered mainly by Englishmen and a large British force is kept in India. As seen from the evidence placed before us and as observed in "The Indian Constitutional Problems" by Sir P. S. Sivaswami Ayyar, the military policy of India has never yet been considered from the view point of the legitimate needs of India. It is not fair that England should first omit to make India militarily self-sufficient and then use her own omission as an argument against giving her Dominion Status. The unanimous recommendations of the Skeen Committee have been turned down by the Government of India, presumably at the behest of the Secretary of State. The Skeen Committee have shown that it is not the lack of material, but wrong methods that have stood in the way of Indians coming forward in adequate numbers to serve as officers in the army. It is alleged that Indians lack the qualities necessary for leadership in the army. In the Great War, however, Indian non-commissioned officers readily took the place of fallen British officers and the available evidence shows that they acquitted themselves well. Leadership requires opportunities for development and Indians have been practically kept out from such opportunities. Leadership requires not only courage but also intelligence, but Indians with intelligence have hardly been given a place in the army through recruitment being limited to particular classes and to subordinate positions. Indians, whether as officers or as soldiers, have been excluded from the technical and scientific sections of the army. Recruitment to the volunteer corps has been practically restricted to Europeans and Anglo-Indians. It is not the lack of desire or ability on the part of India, but the policy of Britain that is responsible for the fact that India, though it supplies all the money and most of the soldiers, is yet not self-sufficient for purposes of defence.

It seems to us that the contention that Englishmen would not like to serve as officers in the army under Indian superiors is not tenable. We believe that the Englishmen who serve in the Indian Civil Service and other civil services generally are not less proud of their race than those who serve in the army. If the former can serve under Indian direction, there is no reason why the latter should not. It is certainly undesirable that the British officers now serving in India should suddenly depart, leaving her in the lurch. We do not, however, believe that they will leave the task which they have undertaken as it is against the traditions of the services in India to do so. Besides being recruited as officers, Indians should be admitted to the artillery and the other branches of the army from which they are now excluded. As regards the Navy, the self-governing Dominions of the British Commonwealth have not taken up in full the obligation of defending themselves by sea and India may, for the present, remain in the same position. To create a reserve of military strength as well as to give military training to a large number of people, the recommendations of the Auxiliary Forces Committee should be fully carried out. As these measures are put into force, it will be possible gradually to replace the British units of the army in India by Indian units.

If and when control over the army and other forces of defence is transferred to a responsible Government in India, the problem of the Indian States will, we believe, be solved without much difficulty. A powerful democracy in British India is sure to be respected by the Indian States which are cattered over India and suitable relations will automatically spring up.

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We have given shape to the national claim for democracy in India in the light of practical considerations. We believe that the recommendations which we have made as to the steps which may be immediately taken are such as will give satisfaction to the people of this province and of India generally.

We shall now proceed to make detailed proposals for carrying out our recommendations.

PROPOSALS.

(a) Provincial.

8. Franchise.

At present the percentage of rural voters to rural population is 3·2 and that of urban voters to urban population is 6. It may be noted that the urban constituencies include only certain large towns and not all the areas which may be called urban. The average number of voters represented by each member of the Legislative Council is 20,000 in rural non-Muhammadan constituencies, 5,000 in rural Muhammadan constituencies, 5,000 in urban non-Muhammadan constituencies, 2,500 in urban Muhammadan constituencies and 4,500 in Indian Christian constituencies.

We are not in favour at present of an extension of the franchise to all adults which will raise the electorate from about $1\frac{1}{2}$ to 23 millions. An electorate based on adult franchise will, under the present economic and educational conditions, lead to the vote being exercised largely by persons lacking in political experience and ability. The administrative difficulties of dealing with such a large electorate are also great.

There are then two alternative methods of dealing with the franchise. The first is to leave the franchise as it is and give the Legislative Council power to alter it according to requirements. The percentage of the population that had votes in England was 3 in 1832, 9 in 1868 and 16 in 1884. Our present franchise need not therefore be unfit to be the basis of a democratic Government. Just as the Council had the power to give votes to women and did give them, the Council may well be given the power to extend the franchise as and when it thinks fit. The second alternative is to lower the franchise to half its present level. It has been calculated that such a lowering of the franchise will roughly double the electorate, i.e., raise it to about 6 per cent of the population. In this province, with the family continuing largely as the unit of society, we may consider that 42 million people are divided roughly into 8 million families at the rate of 5 people to a family. Eight million family groups wielding about $2\frac{1}{2}$ million votes will mean a large advance over the present position.

The Committee is in favour of the first alternative with the exception of Mr. Siva Rao who prefers the second. But if the Commission feels that an immediate broadening of the basis of franchise should accompany an increase in the powers of the Legislature, the Committee would recommend the second alternative.

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9. ELECTORATES AND CONSTITUENCIES; STRENGTH AND TERM OF COUNCIL.

There is a demand for less unwieldy constituencies than is the case at present. At the same time the strength of the Council cannot be unduly increased. We would therefore raise the strength of the Council to about 150 on the existing franchise and 200 if the franchise be lowered.

It is admitted generally that officials need not continue as members of the Council and that nomination of others as members should be reduced to a minimum. We propose therefore that the official *bloc* be abolished, the nomination of experts, whether official or non-official, being permitted for special purposes.

As regards the communal electorates for Muslims and Indian Christians, we are quite aware that such electorates are undesirable on principle. But as practical men we cannot fail to recognize that rightly or wrongly the feeling is practically unanimous among the Muhammadan population that their interests would be served only by the continuance for the present of their special electorates. The feeling among the Indian Christians, while not so unanimous as among the Muslims, is still strong in favour of a similar continuance. We feel that any change in this system of communal electorates can be made only with the consent of the communities concerned. We therefore recommend that the existing communal electorates for Muslims and Indian Christians as also for Europeans and Anglo-Indians be continued for a time on the basis of the proportions obtaining in the present Council. Mr. Khalif-ul-lah and Mr. Thomas hold that voters of their communities should also be included in the general electorate without the right to stand as candidates.

The depressed classes cannot be returned in sufficient numbers by the general non-Muhammadan electorate in which they are now included. We have considered whether special electorates can be formed for these classes. The number of electors belonging to them is only 4 per cent of the total number of electors on the existing franchise. It may be possible to form some urban constituencies—a possibility which requires investigation. But considering the seats that can be allotted to the depressed classes, their constituencies are generally bound to be unduly large. With the low level of education and wealth among them it will be very difficut for candidates to get into touch with their constituencies. Representatives of the depressed classes are in favour of an element of election at some stage. We therefore propose that panels of candidates to the extent of twice the number of members required may be elected by recognized associations of the depressed classes in the different districts and that the members to be returned to the Council should be selected by the Governor from the panels. Mr. Siva Raj is of opinion that the number of seats to be allotted to the depressed classes should be on the population basis and that their members should be eligible for places in the Ministry.

We also recommend the continuance of the special representation for commercial interests, the nagarathars and planters. As regards landholders, the Committee feels that the landholders have weighty interests in the Presidency and that their interests are likely to be in conflict with the interests of their tenants who find a large representation in the Council and therefore recommend that special representation for the landholders should be continued. Mr. Siva Rao is against such special representation.

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We are in favour of special representation for the Universities. The majority of us are for election being by the Senates of the three Universities, but Mr. Siva Rao and Mr. Siva Raj are in favour of the election being, as now, by registered graduates.

We feel that no separate representation of agricultural labour is necessary in this Province as a large proportion of such labourers are cultivators and are thereby included in the general electorates. Industrial labour is not at present sufficiently organized to be separately represented.

The reservation of seats for non-Brahmans in Madras has been found to be unnecessary. Their representatives are of opinion that it may be abolished. It may be so done.

As regards the formation of constituencies, we are in favour of single-member constituencies provided they are arranged so as to avoid preponderance of one community in any particular constituency. One non-Muhammadan rural constituency may be provided for about 12,000 to 15,000 voters. The number of voters for other constituencies may be correspondingly determined.

We recommend that the term of the Council may be fixed at five years at the present period of three years is felt to be unduly short.

10. Transfer of Reserved Subjects.

The evidence before us conclusively proves that in this Province the immediate constitutional change to be made is the change to full responsible government. It has, however, been urged that, in order to meet the special conditions of a few provinces who would like to wait some time before transferring Law and Order, all subjects except Law and Order may be statutorily transferred and that Law and Order may be transferred in a province if the Legislative Council by a stated majority, votes in favour of it and the resolution is sanctioned by the Governor-General. Such a provision will mean that unless the large minorities in a province are satisfied as to the good faith of the majority, the transfer of Law and Order cannot take place. The difficulty as to the transfer of Law and Order, however, does not arise in the case of a majority of the provinces including Madras.

11. Formation of the Executive.

We propose that the executive power in the province be vested in the Governor acting with a Cabinet of seven Ministers of whom one, the Chief Minister, may be selected by the Governor and the rest appointed by him on the recommendation of the Chief Minister. The Ministers will be jointly responsible to the Council and should resign if a no-confidence motion against them is carried by a majority of the total strength of the Council. The Chief Minister will be the President of the Cabinet and will have power to allot portfolios. The Finance Minister will have the present powers of the Finance Member of Government.

Powers of the Governor.

The existing powers of the Governor in regard to legislation may be continued with the exception of power under section 72-E of the Government of India Act which relates to reserved subjects and may be abolished with

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the abolition of reserved subjects. In regard to financial matters arising in the Legislative Council, the existing powers of the Governor may continue with the exception of power under section 72-D (2) (*a*) of the Act which relates to certification of demands relating to a reserved subject and may be abolished as a result of the abolition of reserved subjects. In regard to administration, we propose that the Governor should have, in relation to the Ministry, the powers which he now has in relation to the Executive Council under section 50 (2) of the Government of India Act. He will have power to make rules for the transaction of business, as now under section 49 (2) of the Act, after consultation with the Ministry. He will dissolve the Legislative Council when he deems reference to the electorate necessary. Where Ministers cannot be appointed or cannot continue, the Governor will have the power to take over administration temporarily pending a re-election of the Council and exercise the powers of the Ministry. He will be the interpreter of the constitution. He will be the agent of the Central Government. In virtue of his powers he will be in a position to safeguard the interests of minorities, services, etc., as he may be required to do in an Instrument of Instructions issued to him by the Sovereign. In emergencies he will have power to order administrative action to be taken which is necessary for the peace and tranquillity of the province.

It will thus be noted that the Governor will have emergency powers for the maintenance of peace and tranquillity in regard to legislation, finance and administration. The maintenance of peace and tranquillity may, in the last instance, involve the use of the army which is under the control of the Government of India. Under our recommendations, the Governor will have power to take such action as is possible which will obviate the necessity for the use of the army. The personal powers of the Governor as agent of the Central Government are subject to control by the Governor-General in Council and if, in the opinion of the Government of India, the use of the army can be avoided, they can order necessary action to be taken by the Governor. Thus there will be no question of the army being used in a province without the concurrence of the Government of India.

It may be said that these provisions place too heavy a responsibility on the Governor. We believe, however, that the good sense of the Legislative Council and the Ministry will rarely require the emergency powers of the Governor to be used and that the Governor will be wise enough to use them properly or that he will be directed by the Government of India to do so. We are supported in this belief by our experience of the past ten years.

12. Second Chamber.

It has been urged on the one hand that there should be a check provided in the form of a second chamber against hasty legislation by the Legislative Council and for the more effective representation of minorities and of men of ripe experience. As against this it has been said that the provision of a second chamber may lead to cumbrousness in the machinery of Government, that there are no interests in the province which will fail to be represented in the Legislative Council and that the powers of the Governor will provide adequate safeguards for all interests. In the opinion of the Committee, the balance of advantage, however, is in favour of a second chamber, the constitution and functions of the chamber being tentatively similar to those of the Council of State and the strength of the chamber not exceeding fifty. Mr. Siva Rao does not agree with the proposal.

13. SERVICES.

Under the Lee Commission's recommendations, the services in transferred departments of a province should be provincialized. If all provincial subjects are transferred, the question arises whether the All-India services dealing with subjects now reserved should be provincialized. The Madras Government have recommended that they should be and have stated reasons for their position. The majority of the Committee agrees with this view. Sir A. P. Patro, while he is in accord with the general principle that the machinery with which the provincial administration is to be carried on should be under the control of the Provincial Government, agrees with the view expressed by Diwan Bahadur T. Raghaviah and the reasons given in his evidence and holds that the Indian Civil Service and the Indian Police Service should be treated as All-India Services because in regard to these key services there should be recruitment on an All-India basis. Though they should be under the control of the Provincial Governments, the Central Government should be the ultimate authority for appeal. Sir A. P. Patro feels that if India is to continue as a political unit, there should be a common administrative life flowing through the centre and the provinces. While he is for provincial autonomy in subjects of provincial concern, he does not envisage India as merely a cluster of political units.

For the Provincial services, we consider that there should be a strong and independent Provincial Public Service Commission. We had evidence before us that all communities are not adequately represented in the public services and that steps should be taken by the Government to remove inequalities. There is a Bill pending before the local Legislative Council which will deal with the matter so far as this Presidency is concerned.

14. LINGUISTIC DIVISION OF THE PROVINCE.

There has been agitation for several years for the formation of provinces on a linguistic basis from the Oriya, Andhra and Karnataka areas. We recognize that strong opinions are held on this question among the people concerned. We have heard a deputation from the Oriyas. A Sub-Committee was appointed by the Statutory Commission. We do not know how the matter has been dealt with by that Committee. The Government of India and the Provincial Governments concerned have pointed out difficulties in regard to the finances of the proposed provinces and these have not yet been solved. We are not able to make any recommendation at present as regards the formation of these provinces. The subject requires further investigation.

Agency tracts.

We consider that the present system may continue but with the administration in the hands of the new Provincial Government.

(b) Central.

15. ELECTORATES FOR THE ASSEMBLY AND THE COUNCIL OF STATE.

We recommend that the present franchise be retained. Separate electorates may continue for the present for Muslims. For Indian Christians, election through separate electorates should be substituted for nomination.

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Nomination for the depressed classes should continue. Provincial Legislatures should elect a proportion of the elected members of the Legislative Assembly and the rest should be elected by the general and communal electorates.

The strength of the Assembly may be fixed at 200 to 250 and its term at five years.

The position as regards the Council of State may continue as at present.

16. Responsibility in the Central Government.

We recommend that the Governor-General be in charge of the Foreign and Political Departments and that the Commander-in-Chief be in charge of Defence. All the other subjects should be in the charge of a Cabinet consisting of Ministers responsible to the Legislature.

The Ganjam District People's Association has made the proposal that the Central Cabinet may consist of officials or experts besides non-official members of the Legislature, but that they should all be responsible to the Legislature. When a Ministry falls, official members revert to their official positions and experts retire with the terms of their contracts duly fulfilled by the Government. The majority of the Committee does not agree with this proposal.

A reasonable amount may be fixed based on the average of the previous few years for the annual expenditure on defence and on the Foreign and Political Departments. For a given period, a sum not exceeding this amount may annually be expended for these purposes without the sanction of the Legislature. The Governor-General will have power to expend an excess amount when necessary by placing a demand before the Legislature and, if it is not passed, certifying it in the interests of peace and tranquillity or of good government.

The present powers of the Assembly to discuss the policy of the Government as regards defence should continue. In regard to normal expenditure, this system will not correspond to that of "Provincial Dyarchy" as the demand for expenditure on defence and on the Foreign and Political Departments is not to be voted on by the Legislature, whereas the expenditure on provincial reserved departments is so voted on. Even if it be considered that there will be dyarchy in virtue of the voting on the excess, if any, over the normal expenditure, we hold that there is no objection to the temporary introduction of dyarchy in the Central Government. Further we have already pointed out that the introduction of even partial responsibility in the Central Government amounts to a diminution of the area of dyarchy in the whole scheme of Government, Central and Provincial combined.

17. Powers of the Governor-General.

The present powers of the Governor-General in regard to Provincial Legislative Councils in respect of legislation will continue. In regard to the Central Legislature, his powers of previous sanction and veto will continue. He will have power to certify Bills essential for the safety and tranquillity of British India. His powers under section 67 (2) (*a*) of the Government of India Act, whereby he may certify that a Bill or amendment affects the

safety or tranquillity of British India and prohibit further steps being taken, will continue. He will have power to make ordinances for maintaing peace which will be in force for six months. In regard to Finance, no proposal for appropriation of revenue will be made except on his recommendation. The Governor-General may order in emergencies expenditure necessary for safety and tranquillity or good government. We make these proposals for the transitional stage before the attainment of Dominion Status.

18. Defence of India.

We recommend that immediate action be taken on the lines of the Skeen Committee so as to have the Defence forces officered mainly by Indians in the period set for the attainment of Dominion Status for India. More than one Indian Sandhurst should be opened to train Indian officers.

We are strongly of opinion that the recruitment to the army should not be limited to a few provinces, but should be thrown open to all provinces with a quota for each province. The recruits from different provinces need not, however, be kept separate. Recruitment to officerships should be open to all classes.

19. Indian States; Foreign Relations.

Till the control over defence is transferred to the Legislature, Foreign relations and relations with the Indian States will continue in the charge of the Governor-General. But when the Legislature is in control of Defence, we hold that the present status of the Government of India in regard to the Indian States should be vested in the responsible Government of India. Indian States lying scattered alongside the powerful democracy of British India will not find it in their interests to do otherwise than seek friendly adjustments with British India. We believe that India will in time form a federation in which the Indian States will find their due place though they can be brought in only with their consent.

(c) Relation of Central and Provincial Governments.

20. General.

We hold that residuary powers should vest in the Central Government on the model of the Canadian constitution. England has, for the first time in Indian History, built up a strong central government and this feature should be continued.

Legislative.

The present division of provincial and central subjects is satisfactory and should be retained.

In regard to previous sanction for legislation, the Madras Government have stated that " the Governor-General has laid it down as a rule of practice that his previous assent will not be withheld except in cases where the proposed Bill trenches on the central sphere or where its discussion would in all reasonable probability lead to a disturbance of the public peace " and proposed that " statutory expression should be given to these limitations." We support this proposal.

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Financial.

This question has been dealt with fully by the Madras Government in their memorandum and we are in agreement with their position. This province suffered unduly at the beginning of the operation of the Meston Settlement by the large contributions which had to be paid to the Central Government, but justice, though belated, has now been done with th abolition of provincial contributions. If the Meston Settlement is to be revised, there should be no loss to any province of the revenues which it now enjoys.

Administrative.

The Central Government's powers of superintendence, direction and control over Provincial Governments will be the same in regard to all provincial subjects as they are now in regard to transferred subjects. If the constitution breaks down in a province, the Governor-General in Council will have power to suspend the constitution and carry on the administration through the Governor. The position of the High Courts will continue as at present.

The majority of the Committee is of opinion that there should be separation of executive and judicial functions so as to secure an independent judiciary and improved administration of justice.

(d) Secretary of State for India and Parliament.

21. Relations with Indian Governments.

In relation to Provincial Governments, the powers of the Secretary of State will be those he has at present in regard to transferred provincial subjects except that his powers of safeguarding the administration of central subjects will be limited to the administration of Defence and Foreign relations and relations with Indian States and that necessary modifications will be made in regard to his powers in dealing with the Civil Services in India.

In relation to the Central Government, the Secretary of State's powers of intervention in regard to transferred central subjects may be modelled on the lines of the Central Government's powers in relation to transferred provincial subjects.

The Secretary of State's Council may be immediately abolished. We look forward to the powers of the Secretary of State for India being reduced to those of the Secretary of State for Dominions.

22. Provision for further changes in constitution.

Under the Government of India Act, the Parliament makes changes in the Indian constitution periodically. The Montagu-Chelmsford Report proposes the examination of the working of the Indian constitution once every twelve years. We propose that the constitution to be now framed should provide for automatic growth in the provinces and at the centre by the decisions of the Provincial and Central Legislatures with suitable checks such as a high majority vote in the Legislature and the power of veto vested in a superior authority. Periodical examination of the political condition of India is irritating and interferes with healthy growth. Aconstitution left to

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be worked and grown by India is likely to develop according to the genius and needs of India. Such an elasticity is also in keeping with the genious of British constitutions.

23. CONCLUSION.

We have sought to envisage the whole relation between England and India. We feel that Montagu and Chelmsford saw truly when they felt ten years ago that a crucial change in that relation was needed. The need has become even more pressing now. If after long years of tutelage under England, India is unable to be at least as self-reliant as other Asiatic States, that tutelage will have been in vain. Faith and courage are needed to let India stand on her own legs and learn, if need be, by mistakes. The longer India is prevented from doing so, the worse will be her condition. From the point of view of England, she has given to India the gifts that are in her power to give. If India is allowed to live her own life, she will feel not only gratitude to England for the past but also affection for her in the future.

To bring about this change of relationship, we have made detailed proposals of the changes immediately needed. We are confident that the British Parliament will appreciate the Indian national sentiment and respond wholeheartedly to the wishes of the people of India.

This Committee wishes to express its appreciation of the valuable services rendered to the Committee by Mr. S. V. Ramamurti, I.C.S., as Secretary of the Committee who has willingly placed at its disposal his knowledge and experience as district officer which have proved a source of great help to the Committee.

A. P. PATRO, *Chairman.*

S. KUMARASWAMI
S. KRISTNA YACHENDRA (Kumararaja of Venkatagiri)
P. KHALIFULLAH
DANIEL THOMAS
P. SIVA RAO
N. SIVA RAJ
} *Members.*

S. V. RAMAMURTY,
Secretary.

2nd June 1929.